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Agenda item 67 (b)
Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Mali and Mexico: draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 60/169 of 16 December 2005 and recalling also Commission on Human Rights resolution 2005/47 of 19 April 2005,

Reaffirming the Universal Declaration of Human Rights,[1] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Convention on the Rights of the Child,[5] the International Convention on the Elimination of All Forms of Racial Discrimination[6] and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families,[7]

Welcoming the establishment of the Human Rights Council as the body responsible for promoting universal respect for the protection of all human rights

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[4] Ibid., vol. 1249, No. 20378.
[5] Ibid., vol. 1577, No. 27531.
[6] Resolution 2106 A (XX), annex.
[7] United Nations, *Treaty Series*, vol. 2220, No. 39481.

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and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Welcoming also the convening of the High-level Dialogue on International Migration and Development held in September 2006, at which it was recognized that international migration, development and human rights are intrinsically interconnected,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as the full respect for the human rights and fundamental freedoms of migrants,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and underlining the obligation of States to respect the human rights of those migrants,

1. *Requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, regardless of their immigration status, especially those of women and children;

2. *Welcomes* the interim report of the Special Rapporteur of the Human Rights Council on the human rights of migrants[8] and takes note of his recommendations;

3. *Calls upon* States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as a matter of priority, and requests the Secretary-General to enhance efforts to raise awareness and promote the Convention;

4. *Takes note with appreciation* of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its third and fourth sessions;[9]

5. *Requests* all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues, the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, with a view to addressing, in a comprehensive manner, its causes and consequences, granting priority to the protection of the human rights of migrants;

6. *Expresses concern* about the legislation and measures adopted by some States that restrict the human rights and fundamental freedoms of migrants and

[8] A/61/324

[9] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 48* (A/61/48)

reaffirms that States have the duty to comply with their obligations under international law, including international human rights law, when enacting and implementing migratory and border security measures, in order to ensure full respect for the human rights of migrants;

7. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their return through national borders;

8. *Calls upon* States to address international migration in the framework of international cooperation and dialogue, under the principle of mutual responsibility and through comprehensive and balanced approaches, and to avoid unilateral and partial approaches, which generate negative perceptions towards international migration and produce negative effects for countries and migrants alike, including by aggravating the vulnerability of migrants;

9. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and urges States to apply the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

10. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

11. *Requests* Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, including, in particular, in the follow-up to the High-level Dialogue on International Migration and Development held pursuant to General Assembly resolution 58/208 of 23 December 2003;

12. *Requests* the Secretary-General to report on the implementation of the present resolution at its sixty-second session and decides to examine the question further under the item entitled "Human rights questions".

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Agenda item 67 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Belarus: draft resolution

Inadmissibility of human rights violations through the practice of secret detention and unlawful transfers while countering terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international commitments under the various international instruments in this field,

Recalling the 2005 World Summit Outcome[3] and its specific provision that States must ensure that any measure taken to combat terrorism comply with their obligation under international law, in particular international human rights, refugee and humanitarian law,

Bearing in mind resolution 1507 (2006) and recommendation 1754 (2006) of the Parliamentary Assembly of the Council of Europe, as well as the report of the Working Group on Arbitrary Detention,[4]

Recognizing that international cooperation to fight terrorism must be conducted in strict conformity with international law, including the Charter of the United Nations and relevant international conventions and protocols,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 60/1.
[4] E/CN.4/2006/7.

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1. *Expresses its grave concern* at:

(a) The numerous human rights abuses committed through the practice of secret detention and unlawful inter-State transfers of detainees suspected of involvement in terrorist activities;

(b) The involvement of numerous countries in the practice of secret detention and unlawful inter-State transfers;

(c) The deprivation of hundreds of alleged suspects of their basic human rights, including the right to a fair trial and failure to provide suspects with even basic forms of judicial protection, by illegally detaining or transferring them;

(d) Holding alleged suspects captive for an indefinite period of time in secret detention and failing to ensure their basic legal guarantees;

(e) Unlawful transportation of detainees on civilian aircrafts and the use of civilian airports or military airbases as platforms for illegal transfers of detainees;

(f) Cases of ill-treatment, torture and other cruel, inhuman or degrading treatment of people secretly detained under suspicion of being involved in terrorist activities;

(g) Acceptance of information received from the alleged suspects through interrogation in secret detention;

(h) Widespread violations of various national legal frameworks that outlaw the above-mentioned actions;

2. *Urges* Member States:

(a) To fulfil while countering terrorism the commitments undertaken under the International Covenants on Human Rights[2] and other international human rights instruments, including provisions relating to the right to liberty and security of person, freedom of movement and residence, and freedom from cruel, inhuman or degrading treatment or punishment and arbitrary arrest;

(b) To eliminate the practice of secret detention centres and unlawful inter-State transfers of alleged suspects and ensure that anti-terrorism measures are undertaken in line with the principal international human rights instruments and on the basis of the rule of law;

(c) To ensure that no one is detained arbitrarily or secretly on the national territories of Member States or on the territories within their effective control;

(d) To put an end to the cases of ill-treatment, torture and other cruel, inhuman or degrading treatment of alleged suspects;

(e) To streamline national legal frameworks in order to strengthen accountability mechanisms against human rights abuses while undertaking anti-terrorism measures and to improve legal provisions regulating activities of foreign services on the national territory of Member States;

(f) To encourage an impartial, effective and thorough investigation into any serious allegation of using national territory as a platform for secret detention or unlawful transfers;

(g) To ensure that any person responsible for human rights violations in connection with secret detention or unlawful transfers is brought to justice;

3. *Urges* the appropriate human rights mechanisms to put emphasis on cases of secret detention and unlawful transfers in their reports and to make recommendations on ways to prevent the practice of secret detention and unlawful transfers;

4. *Requests* the Secretary-General to bring the present resolution to the attention of the relevant human rights bodies and mechanisms of the United Nations system.

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Belarus and Uzbekistan: draft resolution

Promotion of equitable and mutually respectful dialogue on human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant human rights instruments,

Acknowledging that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind,

Stressing the importance of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and achieving international cooperation in promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Emphasizing the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council", in particular the decision of the Assembly that the Human Rights Council should undertake a universal periodic review in a manner

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.

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that ensures universality of coverage and equal treatment with respect to all States, and the decision of the Human Rights Council[3] on the establishment of an intersessional open-ended intergovernmental working group to develop the modalities of the universal periodic review mechanism, based on an interactive dialogue as well as on objective and reliable information,

Recognizing that politically motivated and biased country-specific resolutions on the situation of human rights severely undermine the principles of objectivity and non-selectivity in the consideration of human rights issues and are counterproductive to the cause of promoting of human rights,

1. *Urges* Member States to further strengthen international cooperation in promoting and encouraging respect for human rights in order to enhance dialogue and broaden understanding among civilizations, cultures and religions;

2. *Calls upon* Member States to base their approaches to the development of international dialogue on human rights on the Charter of the United Nations, the Universal Declaration of Human Rights[2] and other relevant international human rights instruments and to refrain from approaches that are inconsistent with that international framework;

3. *Reaffirms* that the promotion and protection of human rights and fundamental freedoms, as a legitimate concern of the world community, and the development of international dialogue on human rights should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political purposes;

4. *Stresses* the need to ensure that country-specific resolutions on the situation of human rights should be used only in cases of massive violations of human rights related to genocide, ethnic cleansing and crimes against humanity;

5. *Affirms* that respect for political, economic and cultural diversity for all contributes to the development of stable and friendly relations among countries and equitable and mutually respectful international dialogue on human rights;

6. *Stresses* the continuing need for unbiased and objective information on the situation of human rights in all countries and the need to present this information in impartial manner, including through the reports of the special rapporteurs and representatives, independent experts and working groups;

7. *Decides* to consider this matter at its sixty-second session under the item entitled "Human rights questions".

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[3] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II.B, decision 1/103.

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Albania, Argentina, Austria, Belgium, Benin, Bosnia and Herzegovina, Costa Rica, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Netherlands, Nigeria, Norway, Panama, Peru, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and United Republic of Tanzania: draft resolution

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993[1] and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission on Human Rights concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2004/81 of 21 April 2004,[2]

Bearing in mind also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] which reiterates, inter alia, the need to consider the possibility of establishing regional and

[1] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] A/CONF.157/24 (Part I), chap. III.

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subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

Welcoming the steps taken by the Office of the High Commissioner to establish regional and subregional offices and develop relevant strategies as a key part and tool of its country engagement strategy, including the intention of the Office to establish four new regional offices, as well as the placement by the Office of the High Commissioner of regional representatives in subregions and in regional commissions, in particular the deployment in Bishkek of a regional representative for Central Asia,

1. *Takes note with satisfaction* of the report of the Secretary-General;[4]

2. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. *Recognizes*, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels, and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;

5. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that

[4] A/61/513.

respect, the establishment of technical cooperation projects with Governments of all regions;

6. *Welcomes* the growing exchanges between the United Nations, the United Nations human rights treaty bodies and special procedures, on the one hand, and regional organizations and institutions, such as the Council of Europe, the Organization for Security and Cooperation in Europe, the League of Arab States, the Inter-American Commission on Human Rights, the African Commission on Human and Peoples' Rights, the International Organization of la Francophonie, the Community of Portuguese-speaking Countries and other regional institutions, on the other;

7. *Further welcomes* the progress achieved in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and, in this regard, notes with interest:

(a) The increasing cooperation between the Office of the High Commissioner and African organizations and suborganizations, in particular the African Union, the Economic Community of Central African States, the Southern African Development Community and the Economic Community of West African States;

(b) The support provided by the Office of the High Commissioner to the African Union for the strengthening of the promotion and protection of human rights in Africa, and welcomes in this regard the establishment of an African Court on Human and Peoples' Rights;

(c) The increased, valuable sharing of concrete national experiences at the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, held in Beijing in 2005, regarding the implementation of the Regional Framework for the Promotion and Protection of Human Rights in the Asia-Pacific Region, which contributes to the enhancement of the promotion and protection of human rights in the region, and welcomes in this regard the establishment of an Office of the High Commissioner for the Pacific region in Suva and the steps undertaken by the Office of the High Commissioner for Human Rights to set up a human rights training and documentation centre for South-West Asia and the Arab region, pursuant to General Assembly resolution 60/153 of 16 December 2005;

(d) The ongoing consultations aimed at the possible establishment of regional human rights arrangements held in the context of the Framework among Governments with the support and advice of national human rights institutions and civil society organizations of the Asia-Pacific region;

(e) Activities undertaken within the framework of the regional project of the Office of the High Commissioner for the promotion and protection of human rights in the Latin American and Caribbean region and the strengthening of the cooperation between the Office of the High Commissioner, the Organization of American States and the Inter-American Commission on Human Rights;

(f) Activities undertaken within the framework of cooperation between the Office of the High Commissioner and the League of Arab States;

(g) The continued cooperation towards the realization of universal standards between the Office of the High Commissioner and regional organizations in Europe and Central Asia, namely the Organization for Security and Cooperation in Europe,

the Council of Europe and the European Union, in particular for activities at the country level;

8. *Invites* States in areas in which regional arrangements in the field of human rights do not yet exist to consider, with the support and advice of national human rights institutions and civil society organizations, concluding agreements with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

9. *Requests* the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

10. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations, and in this regard welcomes the decision of the Office to strengthen national protection systems in accordance with action 2 of the reform programme of the Secretary-General;[5]

11. *Invites* the Secretary-General to provide, in the report that he will submit to the Human Rights Council at its fourth session, information on progress made since the adoption of the Vienna Declaration and Programme of Action[3] on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

12. *Requests* the Secretary-General to submit to the General Assembly at its sixty-third session a report on the state of regional arrangements for the promotion and protection of human rights, formulating concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights, and to include therein the results of action taken in pursuance of the present resolution;

13. *Decides* to consider the question further at its sixty-third session.

[5] See A/57/387 and Corr.1.

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Cuba:* draft resolution

Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 60/156 of 16 December 2005, and taking note of Commission on Human Rights resolution 2005/54 of 20 April 2005 on the enhancement of international cooperation in the field of human rights,[3]

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

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Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human

[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Requests* the Secretary-General, in collaboration with the United Nations High Commissioner for Human Rights, to consult States and intergovernmental and non-governmental organizations on ways and means to enhance international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council, by ensuring respect for the principles of universality, objectivity and non-selectivity in the consideration of human rights issues and eliminating double standards and politicization and by also ensuring the promotion and protection of human rights based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations, as recognized by the General Assembly in the ninth and tenth preambular paragraphs of its resolution 60/251 of 15 March 2006, and to submit a report on the basis of these findings to the General Assembly at its sixty-second session;

11. *Decides* to continue its consideration of the question at its sixty-second session.

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Cuba:* draft resolution

The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling the Universal Declaration of Human Rights[1] as well as the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2]

Recalling also the outcomes of all the major United Nations conferences and summits in the economic and social fields,

Recalling further that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

* On behalf of the States Members of the United Nations that are members of the Non-Aligned Movement.

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

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Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[4]

Reaffirming also the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

Recalling the framework modalities agreed to at the General Council meeting of the World Trade Organization in Geneva on 1 August 2004 in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,[5]

Recalling also the outcome of the eleventh session of the United Nations Conference on Trade and Development, held at São Paulo, Brazil, from 13 to 18 June 2004, on the theme "Enhancing the coherence between national development strategies and global economic processes towards economic growth and development, particularly of developing countries",[6]

Recalling further all its previous resolutions, Human Rights Council resolution 2006 1/4[7] and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998,[8] on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Welcoming the outcome of the seventh session of the Working Group on the Right to Development of the Commission on Human Rights, held in Geneva from 9 to 13 January 2006, as contained in the report of the Working Group,[9]

Recalling the Fourteenth Conference of Heads of State and Government of the Non-Aligned Movement, held at Havana from 11 to 16 September 2006, the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement, held at Putrajaya, Malaysia, on 29 and 30 May 2006, and the Fourteenth Ministerial Conference of the Non-Aligned Movement, held in Durban, South Africa, from 17 to 19 August 2004,

Reiterating its continuing support for the New Partnership for Africa's Development[10] as a development framework for Africa,

Recognizing that poverty is an affront to human dignity,

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[3] A/CONF.157/24 (Part I), chap. III.

[4] See resolution 55/2.

[5] See World Trade Organization, document WT/L/579. Available from http://docsonline.wto.org.

[6] See TD/412.

[7] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II, sect. A.

[8] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[9] E/CN.4/2006/26.

[10] A/57/304, annex.

Recognizing also that extreme poverty and hunger are a global threat that requires the collective commitment of the international community for its eradication, pursuant to Millennium Development Goal 1, and therefore calls upon the international community including the Human Rights Council to contribute towards achieving that Goal,

Recognizing further that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Development Goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

1. *Endorses* the conclusions and recommendations adopted by consensus by the Working Group on the Right to Development of the Commission on Human Rights at its seventh session,[9] and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors;

2. *Emphasizes* the importance of the decisions contained in Human Rights Council resolution 2006 1/4[7] to renew the mandate of the Working Group for a period of one year and to request the Working Group to meet for a period of five working days in the first three months of 2007;

3. *Endorses* the request of the Human Rights Council to the high-level task force on the right to development to meet for a period of five working days before the end of 2006 with a view to implementing the relevant recommendations contained in the report of the seventh session of the Working Group;

4. *Emphasizes* the relevant provisions of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council, and, in this regard, calls upon the Council:

(a) To act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals;

(b) To agree on a programme that will lead to the elevation of the right to development to the same level as, in order that it may be on a par with, all other human rights and fundamental freedoms elaborated in the human rights instruments;

5. *Notes with appreciation* that the high-level task force, at its second meeting, examined Millennium Development Goal 8 on developing a global partnership for development and suggested criteria for its periodic evaluation with the aim of improving the effectiveness of global partnership with regard to the realization of the right to development;[11]

[11] See E/CN.4/2005/WG.18/TF/3.

6. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session,[12] congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

7. *Also stresses* that it is important that the high-level task force and the Working Group in the discharge of their mandates take into account the need:

(a) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

(b) To also promote effective partnerships such as the New Partnership for Africa's Development[10] and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Millennium Development Goals;

(c) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as a fundamental human right, and also urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level as well as equitable economic relations and a favourable economic environment at the international level;

(d) To consider ways and means to ensure the operationalization of the right to development as a priority, including through the elaboration of a convention on the right to development;

(e) To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, programmes and funds as well as in policies and strategies of the international financial and multilateral trading system, taking into account in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising out of political or other non-economic considerations, in addressing the issues of concern to the developing countries;

8. *Reaffirms* the request to the Subcommission on the Promotion and Protection of Human Rights or its successor expert advice mechanism to pursue its ongoing work on the right to development, particularly the submission of a concept document establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature, in

[12] E/CN.4/2002/28/Rev.1, sect. VIII.A.

accordance with the relevant provisions of General Assembly and Commission on Human Rights resolutions, and in compliance with decisions to be taken by the Human Rights Council, and requests the Secretary-General to report on progress in this regard to the Assembly at its sixty-second session;

9. *Invites* Member States and all other stakeholders to participate actively in future sessions of the Social Forum of the Subcommission on the Promotion and Protection of Human Rights, while recognizing the strong support extended to the previous three sessions of the Forum by the Subcommission;

10. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

11. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action,[3] which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

12. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

13. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development as well as their commitment to cooperate with each other to that end;

14. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

15. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon States to institute the measures required for the implementation of the right to development as a fundamental human right;

16. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

17. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

18. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

19. *Underlines* the fact that the international community is far from meeting the target set in the United Nations Millennium Declaration[4] of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

20. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

21. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

22. *Calls for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

23. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses, in this regard, the need for good governance and broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

24. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

25. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural,

economic, political and social activities of the community and the promotion of the right to development;

26. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes, and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

27. *Also stresses* that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

28. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

29. *Emphasizes* the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery consistent with the principles of the United Nations Convention against Corruption,[13] particularly chapter V thereof, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify as soon as possible, and States parties to implement effectively, the Convention;

30. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

31. *Reaffirms* the request to the High Commissioner, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in her report to the Human Rights Council at its fourth session;

32. *Calls upon* the United Nations agencies, funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

33. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

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[13] Resolution 58/4, annex.

34. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-second and an interim report to the Human Rights Council at its fourth session on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the chairperson of the Working Group on the Right to Development to present a verbal update to the Assembly at its sixty-second session.

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Agenda item 67 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Cuba:* draft resolution

Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions on this subject, the most recent of which was resolution 60/155 of 16 December 2005, and Commission on Human Rights resolution 2005/14 of 14 April 2005,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General,[2] submitted pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999,[3] and the reports of the Secretary-General on the implementation of resolutions 52/120 of 12 December 1997[4] and 55/110 of 4 December 2000,[5]

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[2] E/CN.4/2000/46 and Add.1.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

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Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development adopted by the World Summit for Social Development on 12 March 1995,[7] the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

Expressing its concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing its grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular

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[6] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

[7] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[10]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[11] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Also urges* all States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Invites* all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

4. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest possible time;

6. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

7. *Urges* the Human Rights Council to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

8. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

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[10] Resolution 41/128, annex.

[11] Resolution 217 A (III).

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its sixty-second session, while reiterating once again the need to highlight the practical and preventive measures in this respect;

10. Decides to examine the question on a priority basis at its sixty-second session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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Agenda item 67 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Austria, Belgium, Chile, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, Norway, Panama, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland: draft resolution

Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Recalling its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004 and 60/158 of 16 December 2005, Commission on Human Rights resolutions 2003/68 of 25 April 2003,[1] 2004/87 of 21 April 2004[2] and 2005/80 of 21 April 2005[3] and other relevant resolutions of the General Assembly and the Commission on Human Rights,

Reaffirming that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Acknowledging the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights law and refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including

[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. I.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

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through international cooperation and the strengthening of the role of the United Nations in this respect,

Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee law and international humanitarian law,

Welcoming the establishment by the Commission on Human Rights in its resolution 2005/80[3] of the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

Recalling its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Welcoming the establishment of the Human Rights Council as the body responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Recalling Human Rights Council decisions 1/102, 1/104, 1/105[4] and 2/102,[5]

Welcoming the adoption of the United Nations Global Counter-Terrorism Strategy[6] and reaffirming its relevant clauses on the measures to ensure respect for human rights for all, international humanitarian law and the rule of law as the fundamental basis for the fight against terrorism,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,[7]

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Reaffirming also that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Recognizing that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

Noting the declarations, statements and recommendations of a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

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[4] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II.B.

[5] [To be issued].

[6] See resolution 60/288.

[7] See sect. I, para. 17, of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them;

3. *Reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[8] to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;[9]

4. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

5. *Reaffirms* that counter-terrorism measures should be implemented in full consideration of minority rights and must not be discriminatory on the grounds of race, colour, sex, language, religion or social origin;

6. *Urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

7. *Also urges* States, while countering terrorism, to guarantee the right to due process and to take measures to ensure access to prisoners in all places of detention and to abolish places of secret detention;

8. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism;

9. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms and the relevant comments and views of United Nations human rights treaty bodies;

10. *Takes note with interest* of the report of the Secretary-General submitted pursuant to General Assembly resolution 60/158;[10]

11. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links and to continue to develop cooperation with relevant human rights bodies;

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[8] See resolution 2200 (XXI), annex.

[9] See, for example, General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001.

[10] A/61/353.

12. *Takes note with appreciation* of the report of the Special Rapporteur submitted pursuant to Commission on Human Rights resolution 2005/80;[11]

13. *Welcomes* the work done by special procedures on the question of the promotion and protection of human rights in the fight against terrorism, as well as the cooperation of the special procedures with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and urges them to continue this cooperation, in accordance with their mandates;

14. *Requests*, as a matter of priority, all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals of the Special Rapporteur and providing the information requested;

15. *Welcomes* the work done by the United Nations High Commissioner for Human Rights to implement the mandate given to her in resolution 60/158 and requests the High Commissioner to continue her efforts in this regard;

16. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its sixty-second session;

17. *Decides* to consider at its sixty-second session the interim report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

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[11] See A/60/370.

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Noting the submission by the Democratic People's Republic of Korea of its second periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights,[4] its second periodic report on the implementation of the Convention on the Rights of the Child[5] and its initial report on the implementation of the Convention on the Elimination of All Forms of

[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.
[4] E/1990/6/Add.35.
[5] CRC/C/65/Add.24.

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Discrimination against Women,[6] as a sign of engagement in international cooperative efforts in the field of human rights,

Taking note of the concluding observations of the treaty monitoring bodies under the four treaties, the most recent of which were given by the Committee on the Elimination of Discrimination against Women in July 2005,[7]

Recalling its resolution 60/173 of 16 December 2005 and Commission on Human Rights resolutions 2003/10 of 16 April 2003,[8] 2004/13 of 15 April 2004[9] and 2005/11 of 14 April 2005,[10] and mindful of the need for the international community to strengthen its coordinated efforts aimed at urging the implementation of these resolutions,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[11] including the specific concerns relating to women's rights, the rights of the child, the rights of the elderly, of persons with disabilities and refugee rights addressed therein,

1. *Expresses its very serious concern* at:

(a) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

(b) Continuing reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, the absence of due process and the rule of law, the imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour;

(ii) The situation of refugees expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and urges all States to ensure respect for the fundamental principle of non-refoulement;

(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information and limitations imposed on every person who wishes to move freely within the country and travel abroad;

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[6] CEDAW/C/PRK/1.

[7] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 38* (A/60/38), part two, paras. 26-76.

[8] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[9] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[10] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[11] A/61/349.

(iv) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage, forced abortions, and infanticide of children of repatriated mothers, including in police detention centres and camps;

(v) Unresolved questions of international concern relating to the abduction of foreigners in the form of an enforced disappearance, which violates the human rights of the nationals of other sovereign countries;

(vi) The violations of economic, social and cultural rights, which have led to the severe malnutrition and hardship of the population in the Democratic People's Republic of Korea;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

2. *Expresses its strong concern* that the Government of the Democratic People's Republic of Korea has not engaged in technical cooperation activities with the United Nations High Commissioner for Human Rights and her Office, despite efforts by the High Commissioner to engage in a dialogue with the authorities of the Democratic People's Republic of Korea in this regard;

3. *Expresses its very deep concern* at the precarious humanitarian situation in the country, compounded by the mismanagement on the part of the authorities, in particular the prevalence of infant malnutrition, which, despite recent progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to facilitate the continued presence of humanitarian organizations to ensure that humanitarian assistance is delivered impartially to all parts of the country on the basis of need in accordance with humanitarian principles;

4. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in the above-mentioned resolutions of the General Assembly and the Commission on Human Rights, the recommendations addressed to the Democratic People's Republic of Korea by the United Nations special procedures and treaty bodies, and to extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms;

5. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-second session, and to this end, requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to report his findings and recommendations.

United Nations A/C.3/61/L.38

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Sixty-first session

Third Committee

Agenda item 67 (c)

Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 60/233 of 23 December 2005, those of the Commission on Human Rights, and the conclusions of the International Labour Conference of June 2006,

Bearing in mind Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security, resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict and resolution 1612 (2005) of 26 July 2005 on children in armed conflict, and the reports of the Secretary-General on children and armed conflict,[3]

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/59/695-S/2005/72.

06-60060 (E) 081106

Recognizing that respect for human rights, the rule of law, democracy and good governance are essential to achieving sustainable development and economic growth, and affirming that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

1. *Welcomes*:

(a) The reports of the Special Rapporteur on the situation of human rights in Myanmar[4] and the reports of the Secretary-General;[5]

(b) The personal engagement and statements of the Secretary-General with regard to the situation of Myanmar;

(c) The visit of the Under-Secretary-General for Political Affairs to Myanmar in May 2006 and his second scheduled visit in the near future;

(d) The efforts of the United Nations and other international humanitarian organizations to deliver urgently needed humanitarian assistance to the most vulnerable people in Myanmar;

(e) The establishment by the Government of Myanmar of a committee for the prevention of military recruitment of underage soldiers and the adoption in November 2004 of an outline plan of action to address the issues of underage recruitment and child soldiers, and the declared willingness of the Government to cooperate with the United Nations and other international organizations to address these issues;

(f) The recent submission by the Government of replies to a number of official communications by the United Nations special procedures on human rights;

(g) The initial measures to combat impunity concerning forced labour, including the six-month moratorium on arrests of individuals who report forced labour and the release of two prominent detainees;

(h) The launching of the Three Disease Fund aiming to tackle the severe problems of HIV/AIDS, tuberculosis and malaria in Myanmar;

(i) The Security Council discussion on the situation in Myanmar on 29 September 2006;

2. *Expresses grave concern* at:

(a) The ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar, as described in resolution 60/233 and previous resolutions of the General Assembly and the Commission on Human Rights, as well as the reports of the Special Rapporteur and of the International Labour Organization, including discrimination and violations suffered by persons belonging to ethnic nationalities of Myanmar, including extrajudicial killings, rape and other forms of sexual violence persistently carried out by members of the armed forces;

[4] E/CN.4/2006/34 and A/61/369.

[5] E/CN.4/2006/117 and A/61/504.

the continuing use of torture, deaths in custody, political arrests and continuing imprisonment and other detention; the continuing recruitment and use of child soldiers and the use of landmines; forced labour, including child labour; trafficking in persons; denial of freedom of assembly, association, expression and movement; wide disrespect for the rule of law; and the confiscation of arable land, crops, livestock and other possessions;

(b) The prevailing culture of impunity, including lack of investigations into cases of serious violations of human rights;

(c) The attacks by military forces on villages in Kayin State and other ethnic states in Myanmar, leading to extensive forced displacements and serious violations of the human rights of the affected populations;

(d) The situation of a large number of internally displaced persons and the flow of refugees to neighbouring countries;

(e) The continued severe restrictions on activities of the National League for Democracy and other political parties, and the consistent harassment of their members, as well as of persons belonging to ethnic nationalities and of student leaders, including the extension of the house arrest of the General Secretary of the National League for Democracy, Aung San Suu Kyi, and her deputy, Tin Oo;

(f) The absence of progress towards genuine democratic reform, including the measures hindering representatives of the National League for Democracy and other political parties from participating in an effective and meaningful manner in the National Convention;

(g) The fact that the United Nations Special Rapporteur on the situation of human rights in Myanmar and the former Special Envoy of the Secretary-General for Myanmar have been unable to visit the country for almost three years, despite repeated requests;

(h) The continuing denial of the freedom of human rights defenders to pursue their activities;

3. *Strongly calls upon* the Government of Myanmar:

(a) To end the systematic violations of human rights and fundamental freedoms in Myanmar, to fully implement the recommendations by the Special Rapporteur, the General Assembly, the Commission on Human Rights, the International Labour Organization and other United Nations bodies, aimed at ensuring full respect for all human rights and fundamental freedoms in Myanmar, and to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

(b) To take urgent measures to put an end to the military operations targeting civilians in the ethnic areas, and the associated human rights and humanitarian law violations against persons belonging to ethnic nationalities, including widespread rape and other forms of sexual violence persistently carried out by members of the armed forces, and to facilitate a fact-finding mission comprising representatives of relevant United Nations agencies to help identify measures to alleviate the humanitarian and human rights consequences of the conflict in Karen State and other ethnic states in Myanmar;

(c) To put an immediate end to the continuing recruitment and use of child soldiers, to intensify measures to ensure the protection of children affected by armed conflict, to fully implement the 2004 Action Plan, including by intensifying cooperation with the United Nations agencies, in particular the United Nations Children's Fund, and to sign the Optional Protocols to the Convention on the Rights of the Child;

(d) To end the systematic forced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons, in cooperation with the international community, and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

(e) To end impunity and to this end:

(i) To investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(ii) To facilitate a genuinely independent investigation of continuing reports of sexual violence, in particular against women belonging to ethnic nationalities, and other abuse of civilians carried out by members of the armed forces in Shan, Karen, Mon and other states;

(iii) To facilitate a genuinely independent investigation into the attack perpetrated near Depayin on 30 May 2003;

(f) To release all political prisoners immediately and unconditionally, including National League for Democracy leaders Aung San Suu Kyi and Tin Oo, and Shan Nationalities League for Democracy leader Khun Htun Oo and other Shan leaders, as well as former student leaders Min Ko Naing, Ko Ko Gyi, Htay Kywe, Min Zeya and Pyone Cho; to desist from arresting and punishing persons for their peaceful political activities, and to ensure that discipline in prisons does not amount to torture or cruel, inhuman or degrading treatment or punishment, and that conditions of detention otherwise meet international standards, and include the possibility of visiting any detainee, including Aung San Suu Kyi, and to investigate cases of deaths in custody;

(g) To lift all restraints on peaceful political activity of all persons, including former political prisoners, by, inter alia, guaranteeing freedom of association and freedom of expression, including for a free and independent media, and to ensure unhindered access to information for the people of Myanmar;

(h) To urgently resolve the serious issues identified by the International Labour Organization concerning compliance with international labour standards, including to give clear assurances that no action will be taken against persons lodging complaints of forced labour, to resolve outstanding allegations of forced labour, to establish a credible mechanism for dealing with individual complaints on forced labour, to respect the International Labour Organization presence in Myanmar and strengthen it when necessary and ensure the safety, security and freedom of movement of the International Labour Organization liaison officer;

(i) To cooperate fully with the Special Rapporteur, including by granting him full, free and unimpeded access to Myanmar, and with other United Nations human rights mechanisms, and to ensure that no person cooperating with the Special

Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment;

(j) To ensure immediately safe and unhindered access to all parts of Myanmar for the United Nations and international humanitarian organizations and to cooperate fully with those organizations so as to ensure that humanitarian assistance is delivered in accordance with humanitarian principles and reaches the most vulnerable groups of the population in accordance with international law, including applicable international humanitarian law;

(k) To continue to take action to fight the HIV/AIDS epidemic, tuberculosis and malaria;

4. *Calls upon* the Government of Myanmar:

(a) To permit all political representatives and representatives of ethnic nationalities to participate fully in the political transitional process without restrictions, and, to this end, resume, without further delay, dialogue with all political actors, including the National League for Democracy and representatives of ethnic nationalities, to complete the drafting of the Constitution and to ensure that the drafting process responds to the concerns of the ethnic nationalities and to set a clear timetable for the transition to democracy;

(b) To pursue through dialogue and peaceful means the immediate suspension and permanent end of conflict with all ethnic nationalities in Myanmar, and to allow the full participation of representatives of all political parties and representatives of ethnic nationalities in an inclusive and credible process of national reconciliation;

(c) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

5. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable his Special Envoy, once appointed, and the Special Rapporteur to discharge their mandates fully and effectively;

(c) To report to the General Assembly at its sixty-second session on the progress made in the implementation of the present resolution;

6. *Decides* to continue the consideration of the question at its sixty-second session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur.

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Agenda item 67 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Austria, Australia, Canada, Czech Republic, Denmark, Estonia, Hungary, Ireland, Luxembourg, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Uzbekistan

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various international treaties in this field,

Mindful that Uzbekistan is a party to the International Covenant on Civil and Political Rights,[1] the Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment,[2] the International Covenant on Economic, Social and Cultural Rights,[1] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Convention on the Rights of the Child,[5] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour and International Labour Organization Convention No. 105 concerning the Abolition of Forced Labour,

Deeply concerned by the denial of an independent international investigation into the events that occurred in Andijan in May 2005, the subsequent response of the Uzbek authorities, including pressure on neighbouring countries to forcibly return

[1] Resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[5] Ibid., vol. 1577, No. 27531.

06-60072 (E) 081106

Uzbek asylum-seekers and refugees, and the continued deterioration of the overall human rights situation in Uzbekistan,

1. *Welcomes*:

(a) The high-level talks of the Government of Uzbekistan with the new Special Representative of the European Union for Central Asia, the sharing of the Uzbek report on Andijan with European Union member States and the agreement to a separate meeting to discuss the events in Andijan, and hopes that a real, constructive dialogue on human rights issues will take place soon;

(b) The statement made by the President of Uzbekistan on 28 January 2005, in which he expressed, inter alia, the intention to provide for true independence of the judiciary, and the subsequent preparation of legislation to support the practical independence of the judiciary, as outlined by the President;

(c) The decree of the President on 1 August 2005 that the death penalty shall be abolished in Uzbekistan as of 1 January 2008 and the subsequent preparation of legislation to implement this decree;

(d) The steps, albeit limited, taken to date to implement the recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, including the Uzbek authorities' National Action Plan on Torture, the definition of torture by the Supreme Court[6] in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[2] and the amendment of the Criminal Code to include torture as a punishable crime;

2. *Expresses its grave concern* at the serious and continuing human rights violations occurring in Uzbekistan, in particular the following:

(a) Credible eyewitness reports in 2005 of indiscriminate and disproportionate force used by government troops to quell demonstrations in Andijan in May 2005, resulting in the death of many civilians;

(b) Detention of the representatives of local non-governmental organizations to prevent observation of the trials of Andijan suspects, and the subsequent closed trials of approximately 266 defendants;

(c) Harassment and detention of the members of non-governmental organizations and civil society, including human rights defenders, and in particular the closure of at least 200 non-governmental organizations since the May 2005 events in Andijan, as well as of foreign non-governmental organizations and international organizations such as the Office of the United Nations High Commissioner for Refugees in Tashkent;

(d) Reports of arbitrary arrest and detention, including of eyewitnesses to the events in Andijan, journalists and human rights defenders;

(e) The prevention of the functioning of independent media and the intolerance of any form of dissent expressed therein and increasing restrictions on freedom of expression, particularly harassment, beatings, arrests and threats made against journalists, human rights defenders and civil society activists;

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[6] Embassy of Uzbekistan to the United States, press release (Government of Uzbekistan, 26 December 2005). Available from http://www.uzbekistan.org/press/archive/321.

(f) Continued refusal to permit the registration of opposition political parties, and their consequent inability to participate in the electoral process;

(g) An increasing pattern of discrimination, harassment and prosecution with regard to the exercise of freedom of thought, conscience and religion, including through the refusal to register certain religious communities, and police raids against and deportations of members of registered and unregistered religious communities;

(h) Continued restriction of access of international monitors to places of detention;

(i) Committing human rights activists to psychiatric wards and forcing them to take behaviour-modification medications;

(j) Reports of the use of forced labour, including of children;

3. *Deeply regrets*:

(a) The decision of the Government of Uzbekistan to reject both the repeated calls of the United Nations High Commissioner for Human Rights for an independent commission of inquiry into the events in Andijan on 13 May 2005 and the requests of the special rapporteurs of the Human Rights Council, including the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Uzbekistan;

(b) The continued lack of response to General Assembly resolution 60/174;

(c) The political and economic pressure applied by the Government of Uzbekistan on other Governments to prevent citizens of Uzbekistan who have been recognized as refugees by the Office of the United Nations High Commissioner for Refugees, within its mandate, from travelling to a third country;

4. *Strongly calls upon* the Government of Uzbekistan:

(a) To implement fully without any delay the recommendations of the report of the mission of the Office of the United Nations High Commissioner for Human Rights to Kyrgyzstan in June 2005,[7] most notably by granting permission for an international commission of inquiry into the events in Andijan;

(b) To accede to and abide by the 1951 Convention relating to the Status of Refugees[8] and the 1967 Protocol thereto,[9] and otherwise cooperate with the Office of the United Nations High Commissioner for Refugees;

(c) To end the harassment and detention of journalists and members of civil society, including human rights defenders, including their forced incarceration in psychiatric wards;

(d) To ensure fair trials, including fulfilling the recommendations of the Office for Democratic Institutions and Human Rights of the Organization for

[7] E/CN.4/2006/119.

[8] United Nations, *Treaty Series*, vol. 189, No. 2545.

[9] Ibid., vol. 606, No. 8791.

Security and Cooperation in Europe in its report on the trials of persons accused in relation to the events in Andijan;[10]

(e) To ensure full respect for all human rights and fundamental freedoms, and in this regard, implement fully the recommendations[11] of the independent expert on the situation of human rights in Uzbekistan appointed under the confidential 1503 procedure at the sixtieth session of the Commission on Human Rights, and to extend full cooperation to the newly appointed independent expert;

(f) To amend legislation on religious organizations to permit the full freedom of thought, conscience and religion;

(g) To implement fully the recommendations of the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment prepared following his visit to Uzbekistan from 24 November to 6 December 2002,[12] and to incorporate the Supreme Court definition of torture into the criminal code;

(h) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all United Nations human rights mechanisms, including the special procedures of the Human Rights Council;

(i) To implement fully the commitments undertaken within the framework of the Organization for Security and Cooperation in Europe and to cooperate with its institutions, including its project office in Tashkent;

(j) To register independent opposition political parties and allow them to participate in the electoral process;

(k) To lift restrictions on the activities of civil society, including non-governmental organizations, private enterprises, especially small enterprises, and international organizations;

(l) To protect freedom of expression for all, including journalists, including those who write articles opposing Government policy, in line with the President's past appeals for journalists to be more critical, and the functioning of independent media outlets, including, as the case may be, licensing and accreditation;

(m) To take legislative, judicial, administrative and other appropriate measures to actively protect human rights defenders against any violence, threats and other forms of harassment, and to withdraw all measures that restrict their freedom of assembly and expression or that hinder them from carrying out their legitimate activities according to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;[13]

(n) To follow all recommendations and provide regular information under International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour and International Labour Organization Convention No. 105

[10] "Report from the OSCE/ODIHR trial monitoring in Uzbekistan, September-October 2005" (Organization for Security and Cooperation in Europe, Warsaw, 2006).

[11] See E/CN.4/2005/103, sect. V.

[12] E/CN.4/2003/68/Add.2, annex.

[13] Resolution 53/144, annex.

concerning the Abolition of Forced Labour, and to consider ratifying International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(o) To implement fully its obligations under the Vienna Convention on Diplomatic Relations[14] with respect to the free movement of diplomatic personnel to, from and within Uzbekistan and the regular conduct of diplomatic affairs and operations as contemplated in that Convention;

5. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-second session.

[14] United Nations, *Treaty Series*, vol. 500, No. 7310.

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Agenda item 67 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Belarus

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights[2] and the Optional Protocols thereto,[3] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5] the Convention on the Elimination of All Forms of Discrimination against Women[6] and the Optional Protocol[7] thereto, and the Convention on the Rights of the Child[8] and the Optional

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[4] Resolution 2106 A (XX), annex.
[5] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[6] Ibid., vol. 1249, No. 20378.
[7] Ibid., vol. 2131, No. 20378.
[8] Ibid., vol. 1577, No. 27531.

06-60078 (E) 071106

Protocol to the Convention on the sale of children, child prostitution and child pornography,[9]

Recalling Commission on Human Rights resolutions 2003/14 of 17 April 2003, 2004/14 of 15 April 2004 and 2005/13 of 14 April 2005, and Human Rights Council decision 1/102 of 30 June 2006,

Concerned that the 19 March 2006 presidential election was severely flawed and fell significantly short of Belarus Organization for Security and Cooperation in Europe commitments to hold a free and fair election, and that the situation of human rights in Belarus in 2005 was steadily deteriorating, as documented in the final report of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the report of the Special Rapporteur on the situation of human rights in Belarus,[10]

Noting that the Belarusian authorities have decided to hold local elections on 14 January 2007, and expressing its hope that those would be free and fair, in full respect of international electoral standards,

1. *Expresses deep concern*:

(a) About the failure of the Government of Belarus to cooperate fully with all the mechanisms of the Human Rights Council, in particular with the special rapporteurs on the situation of human rights in Belarus, while noting the serious concern relating to the deterioration of the human rights situation in Belarus expressed by seven independent human rights experts of the United Nations in a statement issued on 29 March 2006;

(b) That in spite of detailed recommendations by the Organization for Security and Cooperation in Europe and dialogue between the Government and the Organization for Security and Cooperation in Europe following previous elections, Belarus again failed to meet its commitments to hold free and fair elections, including by allowing the arbitrary use of State power against opposition candidates, routine harassment, the detention and arrest of political and civil society activists, the obstruction of the access of opposition candidates to State media, the negative portrayal in the State media of opposition candidates and activists, including human rights defenders, and the serious shortcomings of the vote count that lacked minimum transparency;

(c) About continued reports of harassment, arbitrary arrest and detentions of up to 1,000 persons, including opposition candidates, before and after the 19 March 2006 election;

(d) About the continued and expanding criminal prosecutions, lack of due process and closed political trials of leading opposition figures and human rights defenders;

(e) About the continued harassment and detention of Belarusian journalists covering local opposition demonstrations, and that senior officials of the Government of Belarus were implicated in the enforced disappearance and/or summary execution of three political opponents of the incumbent authorities in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up, as

[9] Ibid., vol. 2171, No. 27531.
[10] E/CN.4/2006/36.

documented in the report adopted in resolution 1371 of 28 April 2004 by the Parliamentary Assembly of the Council of Europe;

(f) About the decision of the Belarusian authorities to revoke the teaching licence of the European Humanities University in Minsk and to terminate the lease of its buildings, forcing the University in Belarus to close down;

(g) About persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, religious groups, opposition political parties and independent trade unions, independent youth and student organizations, and the harassment and prosecutions of individuals, including students engaged in the promotion and protection of human rights, rule of law and democracy;

2. *Urges* the Government of Belarus:

(a) To bring the electoral process and legislative framework into line with international standards, especially those of the Organization for Security and Cooperation in Europe, demonstrate such commitment through the upcoming local elections in January 2007 and rectify the shortcomings of the electoral process, identified by the Office for Democratic Institutions and Human Rights in its report of 7 June 2006, including election laws and practices that restrict campaigning opportunities for de facto opposition candidates, arbitrary application of electoral laws, including on registration of candidates, obstruction of the right of access to the media, biased presentation of the issues by the State media and falsification of vote counts;

(b) To cease politically motivated prosecution, harassment and intimidation of political opponents and pro-democracy activists and human rights defenders, students, independent media, religious organizations, educational institutions and civil society actors; and to cease the harassment of students and to create the conditions whereby they can continue their studies in Belarus;

(c) To respect the rights of freedom of speech, assembly and association and to release immediately all political prisoners and other individuals detained for exercising those rights;

(d) To suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture and other cruel, inhuman or degrading treatment or punishment, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases and to bring the alleged perpetrators to justice before an independent tribunal, and if found guilty, to ensure that they are punished in accordance with the international human rights obligations of Belarus;

(e) To investigate and hold accountable those responsible for the mistreatment and detention of domestic and foreign journalists in connection with the 19 March 2006 election and post-election demonstrations;

(f) To uphold the right to freedom of religion or belief, including the ability to maintain communications with individuals and communities in matters of religion and belief at the national and international level;

(g) To investigate and hold accountable those responsible for the mistreatment, arbitrary arrest and incarceration of civic and political activists

leading up to and following the March 2006 presidential elections and to release immediately and unconditionally all pol[i]cal prisoners;

(h) To carry out all other steps called for by the Commission on Human Rights in its resolution 2005/13;

3. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Human Rights Council, in particular with Commission on Human Rights resolution 2004/14 establishing the mandate of the Special Rapporteur appointed in Commission resolution 2005/13, as well as with the representative of the Organization for Security and Cooperation in Europe on freedom of the media.

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Australia, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 60/171 of 16 December 2005, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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Noting the submission by the Islamic Republic of Iran of voluntary pledges and commitments on human rights[6] in accordance with General Assembly resolution 60/251 of 15 March 2006,

Taking note of the statements made by the Government of the Islamic Republic of Iran on strengthening respect for human rights in the country and promoting the rule of law, and also of the relevant provisions of its Constitution,

1. *Welcomes*:

(a) The standing invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002 and the cooperation extended to the special procedures during their visits, while regretting that no special procedure has been able to visit the Islamic Republic of Iran since July 2005 and expressing its hope that special procedures of the Human Rights Council will be able to visit in the near future;

(b) The report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,[7] on her visit to the Islamic Republic of Iran from 29 January to 6 February 2005;

(c) The report of the Special Rapporteur of the Commission on Human Rights on adequate housing as a component of the right to an adequate standard of living,[8] on his visit to the Islamic Republic of Iran from 19 to 31 July 2005;

(d) The statement by the head of the judiciary of the Islamic Republic of Iran in October 2006 in which he expresses his hope that judges will choose alternative punishments for minors instead of long jail terms for some offences;

(e) The announcement by the head of the judiciary in April 2004 of the ban on torture and the subsequent passage of related legislation by the parliament, which was approved by the Guardian Council in May 2004;

(f) The human rights dialogues between the Islamic Republic of Iran and a number of countries, while urging the Islamic Republic of Iran to intensify these dialogues and ensure that they are held regularly;

(g) The release of some prisoners held without due process of law;

(h) The cooperation with United Nations agencies in developing programmes in the areas of human rights, good governance and the rule of law;

2. *Expresses its serious concern* at:

(a) The continuing harassment, intimidation and persecution of human rights defenders, non-governmental organizations, political opponents, religious dissenters, political reformists, journalists, parliamentarians, students, clerics, academics, webloggers, union members and labour organizers, including through undue restrictions on the freedoms of assembly, conscience, opinion and expression, the threat and use of arbitrary arrest and prolonged detention, targeted at both individuals and their family members, the ongoing unjustified closure of newspapers and blocking of Internet sites and restrictions on the activities of unions and other

[6] A/60/770/Add.1, annex.
[7] E/CN.4/2006/61/Add.3.
[8] E/CN.4/2006/41/Add.2.

non-governmental organizations, as well as the absence of many conditions necessary for free and fair elections;

(b) The persistent failure to comply fully with international standards in the administration of justice and, in particular, the absence of due process of law, the refusal to provide fair and public hearings, the denial of the right to counsel and access to counsel by those detained, the use of national security laws to deny human rights, the prevalent atmosphere of impunity for officials that commit human rights abuses, the harassment, intimidation and persecution of defence lawyers and legal defenders, the adulteration of judicial files, the lack of respect for internationally recognized safeguards, inter alia, with respect to persons belonging to religious, ethnic or national minorities, officially recognized or otherwise, the application of arbitrary prison sentences and the violation of the rights of detainees, including the systematic and arbitrary use of prolonged solitary confinement, the failure to provide proper medical care to those imprisoned, the arbitrary denial of contact between detainees and their family members, and the death of detainees in unclear circumstances or resulting from general mistreatment while in custody;

(c) The continuing use of torture and cruel, inhuman or degrading treatment or punishment such as flogging and amputations;

(d) The continuing of public executions, including multiple public executions, and, on a large scale, of other executions, in the absence of respect for internationally recognized safeguards, and the issuing of sentences of stoning; and, in particular, deplores the execution of persons who were under the age of 18 at the time their offence was committed, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights[2] and in spite of the announcement of a moratorium on juvenile executions;

(e) The continuing violence and discrimination against women and girls in law and in practice, the refusal of the Guardian Council to take steps to address this systemic discrimination and recent arrests of and violent crackdowns on women exercising their right of assembly;

(f) The increasing discrimination and other human rights violations against persons belonging to ethnic and religious minorities, recognized or otherwise, including Arabs, Azeris, Baluchis and Kurds as well as Christians, Jews, Sufis and Sunni Muslims; the escalation and increased frequency of discrimination and other human rights violations against members of the Baha'i faith, including reports of plans by the State to identify and monitor Baha'is, as noted by the Special Rapporteur on freedom of religion or belief; an increase in cases of arbitrary arrest and detention; the denial of freedom of religion or of publicly carrying out communal affairs; the disregard for property rights, including through de facto expropriation, as noted in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living; the destruction of sites of religious importance; the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions, adequate housing and other benefits, and recent violent crackdowns on Arabs, Azeris, Baha'is, Kurds, and Sufis;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To ensure full respect for the rights to freedom of assembly, opinion and expression and for the right to take part in the conduct of public affairs in accordance with its obligations under the International Covenant on Civil and Political Rights; in particular, to end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing persons imprisoned arbitrarily or on the basis of their political views; and to increase actions to promote and facilitate human rights education at all levels and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme;

(b) To ensure full respect for the right to due process of law, including the right to counsel and access to counsel by those detained, in criminal justice proceedings and, in particular, to ensure a fair and public hearing by a competent, independent and impartial tribunal established by law, to end harassment, intimidation and persecution of defence lawyers and legal defenders and to ensure equality before the law and the equal protection of the law without any discrimination in all instances, including for members of religious, ethnic, linguistic or other minority groups, officially recognized or otherwise;

(c) To eliminate, in law and in practice, the use of torture and other cruel, inhuman or degrading treatment or punishment, such as amputations and flogging; as previously proposed by the elected Iranian parliament, to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[9] and to end impunity for violations of human rights that constitute crimes by bringing the perpetrators to justice in accordance with international standards, and in this regard, takes note of, inter alia, the updated set of principles for the protection and promotion of human rights through action to combat impunity;[10]

(d) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards, in particular, as called for by the Committee on the Rights of the Child in its report of January 2005,[11] executions of persons who at the time of their offence were under the age of 18, to uphold the moratorium on juvenile executions and executions by stoning and to introduce these moratorium as law in order to completely abolish this punishment;

(e) To eliminate, in law and in practice, all forms of discrimination and violence against women and girls and, as previously proposed by the elected Iranian parliament, to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[12]

(f) To eliminate, in law and in practice, all forms of discrimination based on religious, ethnic or linguistic grounds, and other human rights violations against persons belonging to minorities, including Arabs, Azeris, Baha'is, Baluchis, Kurds, Christians, Jews, Sufis, and Sunni Muslims, to refrain from monitoring individuals

[9] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[10] See E/CN.4/2005/102 and Add.1.

[11] See CRC/C/146.

[12] United Nations, *Treaty Series*, vol. 1249, No. 20378.

on the basis of their religious beliefs, to ensure that minorities' access to education be on par with that of all Iranians and to address these matters in an open manner, with the full participation of the minorities themselves, to otherwise ensure full respect for the right to freedom of thought, conscience, religion or belief of all persons, and to implement the 1996 report of the Special Rapporteur of the Commission on Human Rights on religious intolerance,[13] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community;

4. *Encourages* the thematic procedures of the Human Rights Council, inter alia, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, to visit or otherwise continue their work to improve the situation of human rights in the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to live up to the commitment it made when it issued a standing invitation to these special procedures by cooperating with them, and to illustrate how their subsequent recommendations have been addressed, including the recommendations of special procedures that have previously visited the country;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-second session, under the item entitled "Promotion and protection of human rights".

[13] See E/CN.4/1996/95/Add.2.

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Belarus: draft resolution

Situation of democracy and human rights in the United States of America

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil relevant international obligations they have freely undertaken,

Mindful that the United States of America is a party to the International Covenant on Civil and Political Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and the International Convention on the Elimination of All Forms of Racial Discrimination,[4]

Recalling that each State party to the International Covenant on Civil and Political Rights undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that improving security and the fight against terrorism should be conducted with full respect for human rights and democratic principles,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[4] Resolution 2106 A (XX), annex.

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Bearing in mind the European Parliament resolution on Guantanamo of 28 October 2004,

Noting that the United States of America is a member of the Organization of American States and is obliged to observe the human rights standards under the Charter of that Organization, and aware that on 29 December 2003, the Inter-American Commission on Human Rights of the Organization of American States concluded that the United States of America was responsible for violations of the rights of the residents of the District of Columbia under articles II entitled "Right to equality before law" and XX entitled "Right to vote and to participate in government" of the American Declaration of the Rights and Duties of Man, adopted by the Organization of American States in Bogotá on 2 May 1948, by denying them an effective opportunity to participate in their federal legislature,

Taking note of the report of the needs assessment mission on the presidential elections in the United States of America of the Organization for Security and Cooperation in Europe,[5]

1. *Expresses deep concern and dismay*:

(a) At the reports from credible resources on systematic violations of fundamental rights and freedoms in the United States of America, including alarming attacks on press freedom and tight control over news media; arbitrary, incommunicado and secret detentions and arrests; electronic surveillance without a court order; and continued and expanding intolerance, xenophobia and discrimination;

(b) That the electoral system in the United States of America does not comply with the obligations of that country under the International Covenant on Civil and Political Rights[2] to provide every citizen with the right and opportunity to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) That despite the report of the United States Commission on Civil Rights on voting irregularities in Florida during the 2000 presidential election,[6] which concluded that in Florida election policies and practices had been in place that prevented some of Florida's residents, particularly African Americans, Spanish- and Creole-speaking nationals with language assistance needs and persons with disabilities, from voting and from having their votes counted, such practices continued during the presidential election of 2004;

(d) That some election techniques, including verification requirements, disproportionately disenfranchise the poor, the elderly, minorities and immigrants;

(e) That despite promising to improve the electoral system after the 2000 presidential election, the United States of America has failed to reform the system, which remains fundamentally flawed and could disenfranchise some eligible voters and allow manipulation of the results of elections;

(f) That despite the fact that, like other States members of the Organization for Security and Cooperation in Europe, the United States of America has freely

[5] Available from www.osce.org.

[6] Available from www.usccr.gov/pubs/vote2000/main.htm.

taken on a politically binding commitment to ensure that the election is free and fair, it is not meeting its commitment by prohibiting independent international and domestic observers from monitoring the presidential and parliamentary elections;

(g) That the United States of America continues to violate international standards in its use of the death penalty with respect to minors and the mentally ill;

(h) That the legislative measures of the United States of America to enhance security, including the adoption and implementation of the USA PATRIOT Act of 2001, have led to the limitation and abuse of vital civil rights and freedoms of nationals of the United States of America and of other countries as well;

(i) That massive human rights abuses committed by the United States of America while waging the war on terror both overseas and within its borders have downgraded the cause of human rights and the value of human life and have led to the erosion of the international framework of human rights principles;

(j) That the aggressive tactics used by the United States of America to curtail the power of the International Criminal Court, inter alia, considering the possibility of withholding economic assistance from the Governments that refuse to grant immunity to the nationals of the United States before the Court, may devalue and debilitate this important institution in its constructive endeavour to promote the rule of law;

(k) Regarding information on the deprivation of the rights of undisclosed numbers of persons, including minors, detained as a result of military operations launched in Afghanistan and being held at present in detention camps located in Guantanamo, which has led to the creation of the Gulag of modern times, through entrenchment of the practice of arbitrary and indefinite detention in violation of international law, as well as regarding the cases of forced disappearance of these detainees;

(l) That the refusal or failure to clarify the whereabouts or status of the detainees, leaving them outside the protection of the law for an indefinite period, clearly violates the standards of the Declaration on the Protection of All Persons from Enforced Disappearance;[7]

(m) That unwillingness to apply the Geneva Conventions of 12 August 1949[8] to the detainees in Guantanamo violates international human rights law and calls into question the sincerity of the United States of America in respect of fulfilling its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[3]

(n) At the continued reports of ill treatment, torture, death in custody and excessive use of force by police and prison officers, including the use of isolation, dogs, sensory and sleep deprivation, death threats and other forms of torture and cruel, inhuman or degrading treatment as interrogation techniques;

(o) That actions by the United States of America give full grounds for claiming that its stated opposition to torture and other cruel, inhuman or degrading treatment has been circumstantial and therefore that those actions are profoundly inconsistent with its international obligations;

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[7] See resolution 47/133.

[8] United Nations, *Treaty Series*, vol. 75, No. 970-973.

(p) That the United States Military Commissions Act of 2006 restricts the full enjoyment of human rights;

(q) That as a result of such practices the United States of America has inflicted serious damage upon the global cause of protection and promotion of human rights;

2. *Urges* the United States of America:

(a) To put an end to the violations of human rights;

(b) To become a party to all core international human rights instruments, namely, the International Covenant on Economic, Social and Cultural Rights,[9] the Optional Protocols[10] to the International Covenant on Civil and Political Rights, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity,[11] the International Convention on the Suppression and Punishment of the Crime of Apartheid,[12] the Convention on the Elimination of All Forms of Discrimination against Women,[13] the International Convention against Apartheid in Sports,[14] the Convention on the Rights of the Child,[15] and the Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, thus allowing the international community to monitor the situation of human rights in the United States of America in full;

(c) To fully cooperate with special procedures of the Human Rights Council to ensure that all necessary measures are taken to investigate fully and impartially all cases of arbitrary detention, forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of the United States of America;

(d) To bring the electoral process and legislative framework into line with international standards;

(e) To take necessary steps, in accordance with its constitutional process and with the provisions of the International Covenant on Civil and Political Rights, as well as with respect to the conclusions of the Inter-American Commission on Human Rights, to grant the residents of the District of Columbia, an effective remedy, which includes adopting the legislative or other measures necessary to guarantee to them the effective right to participate, directly or through freely elected representatives and in general conditions of equality, in their federal legislature;

(f) To abolish the death penalty with respect to minors and the mentally ill;

(g) To end immediately the practice of incommunicado and secret detentions and ensure that conditions of detention conform to international standards for the treatment of prisoners and take into account the needs of members of particularly vulnerable groups;

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[9] See resolution 2200 A (XXI), annex.
[10] Resolution 44/128, annex.
[11] Resolution 2391 (XXIII), annex.
[12] Resolution 3068 (XXVIII), annex.
[13] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[14] Resolution 40/64 G, annex.
[15] United Nations, *Treaty Series*, vol. 1577, No. 27531.

(h) To take the necessary steps to become party to the human rights instruments adopted by the Organization of American States, namely, the American Convention on Human Rights: "Pact of San José, Costa Rica", the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights: "Protocol of San Salvador", the Inter-American Convention on the Forced Disappearance of Persons, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on the International Return of Children, the Inter-American Convention on Conflict of Laws Concerning the Adoption of Minors, the Inter-American Convention on International Traffic in Minors, the Inter-American Convention on the Granting of Civil Rights to Women and the Inter-American Convention on the Prevention, Punishment and Eradiation of Violence Against Women: "Convention of Belem do Para";

(i) To undertake urgently all measures necessary for detainees of Guantanamo to be granted a fair and just hearing before the court, either in the United States of America or in an internationally recognized institution;

(j) To implement a zero-tolerance policy on torture by investigating all allegations of torture and holding perpetrators of torture accountable so as to promote a culture in which torture is regarded as unacceptable, criminal behaviour;

(k) To invite all relevant human rights monitoring mechanisms, especially the Special Rapporteurs of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment and extrajudicial, summary or arbitrary executions, and the Working Groups of the Council on Enforced or Involuntary Disappearances and Arbitrary Detention, to visit all places of detention and to grant them unlimited access to all detention camps;

(l) To take urgent measures to bring legislation on national security into compliance with the obligations of the United States of America under the relevant international instruments;

(m) To bring the actions of its police and security forces into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;

(n) To suspend the duties of high-ranking officials implicated in gross human rights violations, including through granting authorization to their subordinates to engage in practices inconsistent with international standards as well as through rendering to superiors legal counsel incompatible with obligations of the United States of America under international agreements;

3. *Insists* that the United States of America cooperate fully with and extend invitations to all the mechanisms of the Human Rights Council, including the Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances, and the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and extrajudicial, summary or arbitrary executions;

4. *Decides* to continue its consideration of this question at its sixty-second session under the item entitled "Promotion and protection of human rights".

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Islamic Republic of Iran: draft resolution

Situation of indigenous peoples and immigrants in Canada

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field of human rights,

Welcoming the adoption by the Human Rights Council of the United Nations Declaration on the Rights of Indigenous Peoples,[3]

Reaffirming that indigenous peoples in the exercise of their rights, should be free from discrimination of any kind,[4]

Welcoming the cooperation extended by the Government of Canada to the Special Rapporteur on the situations of human rights and fundamental freedoms of indigenous peoples, and noting the report of the Special Rapporteur on his visit to Canada,[5]

Noting the concluding observations of the Committee on Economic, Social and Cultural Rights,[6] and the Human Rights Committee,[7] on the human rights situation in Canada,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Adopted by the Human Rights Council on 29 June 2006.
[4] See United Nations Declaration on the Rights of Indigenous Peoples.
[5] E/CN.4/2005/88/Add.3.
[6] E/C.12/CAN/CO/4-E/C.12/CAN/CO/5.
[7] CCPR/C/CAN/CO/5.

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Noting also the report of the Working Group on Arbitrary Detention pursuant to its visit to Canada,[8]

Noting further with concern that the Youth Criminal Justice Act in Canada enables imprisonment of persons under 18 with adults if serving an adult sentence,[7]

1. *Expresses grave concern* at the situation of persons deprived of their liberty in Canada awaiting trial or sentencing, "continued allegations of inappropriate use of chemical, irritant, incapacitating and mechanical weapons by law enforcement authorities in the context of crowd control", and "the absence of effective measures to provide civil compensation to victims of torture in all cases";[9]

2. *Expresses concern* at the findings stipulated in the report of the Special Rapporteur on indigenous peoples indicating systematic discrimination in the criminal justice system of Canada, and that "the issues facing First Nations and Métis people — and the reasons they come into conflict with the justice system — are rooted in failures in the areas of education, health and economic development";[5]

3. *Also expresses concern* that significant disparities still remain between aboriginal people and the rest of the population in areas of employment, access to water, health, housing and education, and by the failure of the Government of Canada to fully acknowledge the barriers faced by African Canadians in the enjoyment of their rights under the International Covenant on Economic, Social and Cultural Rights;[2]

4. *Notes with particular concern* that poverty rates remain very high among disadvantaged individuals and groups such as aboriginal peoples, African Canadians and immigrants;[6]

5. *Expresses concern* at continuing inequalities in the attainment of economic and social rights for the aboriginal people and the slow pace of effective recognition of their constitutional aboriginal and treaty rights;[5]

6. *Expresses dismay* over the negligence of the Government of Canada to address the specific needs of aboriginal women, as well as over suicide rates, prostitution and child welfare issues;[5]

7. *Deplores* the worrying situation of women prisoners in Canada, in particular aboriginal women, women belonging to ethnic minorities and women with disabilities;[7]

8. *Expresses concern* at several aspects of the immigration law of Canada, which give the immigration officers wide discretion in detaining aliens and limit the review of decisions ordering detention;[8]

9. *Calls upon* the Government of Canada to change the provisions in the immigration law and/or their application policies, which give rise to cases of unjustified detention of migrants and asylum-seekers;[8]

10. *Also calls upon* the Government of Canada to intensify its measures to close the human development indicator gaps between aboriginal and non-aboriginal Canadians in the fields of health care, housing, education, welfare and social services;[5]

[8] E/CN.4/2006/7/Add.2.

[9] CAT/C/CR/34/CAN.

11. *Further calls upon* the Government of Canada to ensure that the relevant human rights legislation is amended at federal, provincial and territorial levels and its legal system enhanced so that all victims of discrimination have full and effective access to a competent tribunal and to an effective remedy;[7]

12. *Urges* the Government of Canada, as a State party to the International Covenants on Human Rights,[2] to abide by its obligations under these Covenants and under other international instruments on human rights to which it is a party, and to ensure that all disadvantaged and marginalized individuals and groups such as aboriginal peoples, African Canadians, and immigrants, within its territory and subject to its jurisdiction, enjoy the rights recognized in these instruments;

13. *Requests* the Government of Canada to take all necessary measures for the implementation of the recommendations of the Special Procedures of the Human Rights Council, in particular with regard to the situation of indigenous peoples and immigrants;

14. *Decides* to continue consideration of the human rights situation in Canada during the next session of the General Assembly.